

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:10-CR-00042-F

No. 4:11-CV-00191-F

CODY HARRIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

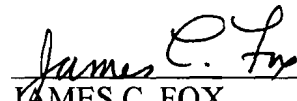
ORDER

Having conducted an examination of petitioner's motion [DE-40] pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

The court notes that the petition was filed by appointed counsel pursuant to Standing Order No.11-SO-3 (E.D.N.C. Oct. 18, 2011), because the petitioner has raised challenges based on the recent decision of United States v. Simmons, 649 F.3d 237 (4<sup>th</sup> Cir. 2011).

SO ORDERED.

This, the 10th day of November, 2011.

  
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JAMES C. FOX  
Senior United States District Judge